

01-28-02

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PTO/SB/05 (03-01)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. FGT 1622 PA

First Inventor Aaron Fiala et al.

Title SILICON-DOPED AMORPHOUS CARBON COATING FOR PAINT BELL

ATOMIZERS

Express Mail Label No. EL852835373US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 19]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages 4]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09, 552,132

Prior application information:

Examiner

L. Morris

Group Art Unit:

3752

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name	Steven W. Hays				
Address	Artz & Artz, P.C.				
	28333 Telegraph Road, Suite 250				
City	Southfield	State	MI	Zip Code	48034
Country	U.S.A.	Telephone	248-223-9500	Fax	48-223-9522

Name (Print/Type)	Steven W. Hays	Registration No. (Attorney/Agent)	41,823
Signature	<i>Steven W. Hays</i>	Date	January 25, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 866.00

Complete if Known

Application Number	APPLIED FOR
Filing Date	HEREWITH
First Named Inventor	FIALA ET AL.
Examiner Name	
Group Art Unit	
Attorney Docket No.	FGT 1622 PA

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

06-1510

Deposit
Account
Name

Ford Global Technologies, Inc.

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	740.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ 740.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
27	-20** = 7	18.00	126.00
3	-3** = 0	84.00	0.00
Multiple Dependent		280.00	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 126.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00

SUBMITTED BY

Name (Print/Type)	Steven W. Hays	Registration No. (Attorney/Agent)	41,823	Telephone	248-223-9500
Signature	<i>Steven W. Hays</i>	Date	January 25, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. FGT 1622 PA

Anticipated Classification of this application

Class _____ Subclass _____

Prior application:

Examiner: L. MorrisArt Unit: 3752

Assistant Commissioner
for Patents
Box Patent Application
Washington, D.C. 20231

FILING UNDER 37 CFR 1.53(b)

- WARNING: A c-i-p (continuation-in-part) cannot be filed under 37 CFR 1.53.
- WARNING: Filing under 37 CFR 1.53 is permitted only if filed by the same or less than all the inventors named in the prior application.
- WARNING: The filing of an application as the United States stage of an International Application requires an oath or declaration. 37 CFR 1.61(a)(4).
- WARNING: The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP '706.07(b).

This request for filing a

_____ Continuation _____ X _____ Divisional

application under 37 CFR 1.53, of pending prior application serial no. 09/552,132 filed on April 19, 2000 of Aaron Fiala, Jeffrey Petty, and Timothy Jay Potter (inventor(s))
for Silicon-Doped Amorphous Carbon Coating For Paint Ball Atomizers (title of invention)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this 37 CFR 1.53 request and the documents referred to as attached therein are being deposited with the United States Postal Service on this date January 25, 2002 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number EL452835373US addressed to the: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Angie Moscovitz
(Type or print name of person mailing paper)

Angie Moscovitz
(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b)).

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3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary).

(check the next item, if applicable)

_____ There is provided herewith a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

4. Fee Calculation (37 CFR 1.16)

	No. Filed	No. Extra	Small Entity Fee	Large Entity Fee
Basic Fee			\$355	\$740.00
Total Claims	27 -20	7	x9 =	x18 = \$126.00
Indep. Claims	3 -3	0	x42 =	x84 = \$
Multiple Dependent Claims			+140 =	+280 = \$
			TOTAL \$	TOTAL \$ \$866.00

_____ Fee for extra claims is not being paid at this time. (37 CFR 1.16(d))

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency, 37 CFR 1.16(d)).

Filing Fee Calculation \$866.00

5. Small Entity Status

_____ A verified statement that this filing is by a small entity:

_____ is attached

_____ has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a))

Filing Fee Calculation (50% of above) \$

NOTE: Any excess of the full fee paid will be refunded if a verified statement is filed within 2 months of the date of timely payment of a full fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

NOTE: 37 CFR 1.28(a), last sentence states: "Applications filed under '1.53 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."

6. Drawings

WARNING: Do not check the following box if prior case is not to be abandoned.

_____ Transfer the drawings from the prior application to this application and, subject to item 17 below, abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee).

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NOTE: "A registered attorney or agent acting under the provisions of '1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.

_____ Transfer the following sheet(s) of drawing from the prior application to this application_____.

NOTE: Transferred sheets must be cancelled in prior application. 37 CFR 1.88.

_____ A copy of the amendment cancelling these sheets of drawing in the prior application is attached.

_____ New drawings are enclosed:

_____ formal

_____ informal

WARNING: DO NOT submit original drawings. A high quality copy of drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards of '1.84. If corrections to the drawings are necessary, they should be made to the original drawings and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1090 0.6. 57-62).

NOTE: "Identifying indicia such as the serial number, group art unit, title of the inventor, attorney's docket number, inventor's name, number of sheets, etc. not to exceed 2-3/4 inches (7.0 cm.) in width may be placed in a centered location between the side edges within three-fourths inch (19.1 mm.) of the top edge. Either this marking technique on the front of the drawing or the placement, although not preferred, of this information and the title of the invention on the back of the drawings is acceptable." Proposed 37 CFR 1.84(l). Notice of March 9, 1988 (1090 0.6. 57-62).

7. Priority - 35 U.S.C. 119

_____ Priority of application serial no. 0 / _____ filed on
_____ in _____ is claimed under 35 U.S.C. 119.
(country)

_____ The certified copy has been filed in prior U.S. application serial no. 0 /
on _____.

_____ The certified copy will follow.

8. Relate Back - 35 U.S.C. 120

☒ The enclosed Preliminary Amendment awards the specification to relate back to the parent case.

NOTE: The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

9. Inventorship Statement

NOTE: If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application. 37 CFR 1.53(b) [emphasis added].

(complete appropriate items (a) and (b))

- (a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application is (are):

(complete applicable item below)

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(Type name(s) of inventor(s) to be deleted)

- (b) The inventorship for all the claims in this application are:

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

10. Assignment

☐ The prior application is assigned of record to _____

☐ an assignment of the invention to _____ is attached.

11. Fee Payment Being Made At This Time

☐ Not Enclosed

☐ No filing fee is submitted. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently).

☐ Enclosed via check

☒ basic filing fee \$ 866.00

☐ recording assignment (\$40.00; 37 CFR 1.21(h)) \$

☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(1)) \$

NOTE: 37 CFR 1.21(1) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or else the processing and retention fee of '1.21(1) must be paid within 1 year from notification under '53(d).

Total fees enclosed \$ 866.00

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12. Method of Payment of Fees

_____ enclosed is a check in the amount of \$_____.

 X charge Account No. 06-1510 in the amount of \$866.00.

NOTE: Fees should be itemized in such a manner that is clear for which purpose the fees are paid. 37 CFR 1.22(b).

13. Authorization To Charge Additional Fees

WARNING: If no fees are being paid on filing do not complete this item.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

 X The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 06-1510.

 X 37 CFR 1.16(a), (f) or (g) (filing fees)

 X 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PT0 in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PT0 to charge additional claim fees, except possibly when dealing with amendments after final action.

_____ 37 CFR 1.17 (application processing fees)

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under 1.13b(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.13b(a) is to no avail unless a request or petition for extension is filed." [emphasis added]. Notice of November 5, 1985 (1060 E.G. 27).

_____ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b)).

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance. 37 CFR 1.311(b)).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application. . . prior to paying or at the time of paying. . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

14. Power of Attorney

 X The power of attorney in the prior application is to

Steven W. Hays
Attorney

41,823
Reg. No.

a. X The power appears in the original papers in the prior application.

b. _____ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(37 CFR 1.53Bpage 6 of 8)

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c. ☐ A new power has been executed and is attached.

d. ☒ Address all future communications to:

Steven W. Hays, Esq.
Artz & Artz, P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034

(Item d may only be completed by applicant, or attorney or agent of record)

15. Maintenance of Copendency of Prior Application

(This item must be completed and the papers filed in the prior application if the period set in the prior application has run)

☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____.

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the Continuation Application. Notice of November 5, 1985 (1060 O.G. 27).

☐ A copy of the petition for extension of time in the prior application is attached

16. Conditional Petition for Extension of Time in Prior Application

(complete this item and file conditional petition in the prior application if previous item not applicable)

☐ a conditional petition for extension of time is being filed in the pending parent application.

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the paper constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

☐ A copy of the conditional petition for extension of time in the prior application is attached.

17. Abandonment of Prior Application (if applicable)

WARNING: (Do not complete this item if the application being filed is a divisional of the prior application which is not being abandoned)

NOTE: "A registered attorney or agent acting under the provisions of 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.

☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

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I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Steven W. Hays
Type or print name of person signing

Steven W. Hays
Signature

January 25, 2002
Date

P.O. Address of Signatory

28333 Telegraph Road
Suite 250
Southfield, Michigan 48034

Tel. No.: (248) 223-9500

behalf of

Reg. No. 41,823
(if applicable)

____ Inventor

____ Assignee of complete interest

____ Person authorized to sign on
assignee

X Attorney or agent of record

____ Filed under Rule 34(a)

(Complete the following if applicable)

Type name of assignee

Address of assignee

Title of person authorized to sign on
behalf of assignee

Assignment recorded in PTO on _____

Reel _____ Frame _____

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